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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,263	03/26/2004	Boris Kalinichenko	08575-104001	1624

26161 7590 12/23/2010  
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EXAMINER
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DEGA, MURALI K

ART UNIT	PAPER NUMBER
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3621

NOTIFICATION DATE	DELIVERY MODE
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12/23/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/811,263	<b>Applicant(s)</b> KALINICHENKO ET AL.	
	<b>Examiner</b> MURALI DEGA	<b>Art Unit</b> 3621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Request for Continued Examination Under 37 C.F.R. §1.114***

1. A request for continued examination ("RCE") under 37 C.F.R. §1.114, including the fee set forth in 37 C.F.R. §1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 C.F.R. §1.114, and the fee set forth in 37 C.F.R. §1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 C.F.R. §1.114. Applicant's submission filed on 10 September 2010 has been entered.

### ***Acknowledgements***

2. This Office action is in response to the RCE filed on 10 September 2010, in reply to the previous Office action mailed on 10 May 2010.
3. Claims 1-20 are pending.
4. Claims 1-20 have been examined.

### ***Claim Rejections - 35 USC § 112 – 2<sup>nd</sup> Paragraph***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 3 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 3 recites "further comprising authenticating a user before transmitting the electronic form." It is unclear to one of ordinary skill when and how this authentication can be performed if the user did not receive the electronic form, did not enter at least one field in the electronic form and did not activate a link that includes a unique identifier associated with the user entered data.

8. Further claim 3 is amended but was not designated as amended, instead indicated as previously presented.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Leiseca et al. (U.S. 5,253,165) in view of Meunier (U.S. 2002/0186144) and further in view of Scherer (U.S. 7,035,384).

11. With respect to claims 1 and 14:

12. Leiseca discloses a method comprising:

a. transmitting an electronic form ("information screens", C 3, ll. 30-31) for display to a user ("data base 1 is programmed to send display information to each of the CRTs in the form of user information screens", C 3, ll. 28-31).

- b. receiving user-entered data for at least one field present in the electronic form (“data base 1 is programmed to receive and respond to data information entered by system users”, C 3, ll. 31-33) the electronic form including a link that when activated establishes a voice channel between the user and a customer representative, with the link including a unique identifier associated with the user-entered data that enables a customer representative to view the user- entered data.
- c. Leiseca discloses a computerized reservation and scheduling system but does not explicitly disclose a link being provided to the passenger.
- d. However, Meunier teaches wherein the form includes a link (“link”, ¶ [0218]) that, when activated, establishes a voice channel between the passenger and a customer representative (“it is provided for the system to automatically establish a voice communication between the user and a live operator”, ¶ [0376]) wherein the link includes a unique identifier (“identification process such as answering personal questions to confirm said user's identity”, ¶ [0269]) associated with the user- entered data that enables a customer representative to view the user- entered data. (“With the help of various means, such as voice instructions over IVR and/or DTMF systems and Internet sites, the user is able to find any rental location in the system register and obtain related maps, directions and link to services”, ¶ [0218]).

e. Also, Meunier teaches establishing a communication link between the user and the Customer Service and Response center by pressing a single button on the OBU or the display. ¶ [0281])

f. Therefore it would have been obvious to a person having ordinary skill in the art, at the time of invention, to have combined the systems of Leiseca and Meunier to provide a form that includes a communication link to initiate a phone call with a live customer service representative, for instant assistance for better customer service and ease of use, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

g. Leiseca discloses a computerized reservation and scheduling system but does not explicitly disclose a link including a unique identifier associated with the user-entered data.

h. However, Scherer teaches use of 'dialed number' as the unique identifier of the user (C 9, ll. 44-57) as specified in the original specification filed by the Applicants on page 12, lines 7-13. Also, Scherer teaches use of phone number of the user calling the customer service representative as the unique identifier of the user (C 10, ll. 21-30, C. 32, ll. 50-67, C 33, ll. 1-10, C 33, ll. 42-49 and C 39, ll. 17-39) as specified in the original specification filed by the Applicants on page 13, lines 8-15.

i. Therefore it would have been obvious to a person having ordinary skill in the art, at the time of invention, to have combined the systems of Leiseca,

Meunier and Scherer to provide a customer assistance method by utilizing a unique number based on the phone numbers being used to call or being called for identifying the user, which is well known as caller identification system or 'Automatic Number Identification' element throughout the telephone networks, for the purpose of extracting the user information automatically from the user database and display the user information to the customer service representative so that the user can be assisted by the representative more effectively with the help of already existing user information, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

13. With respect to claims 6 and 20:

14. Leiseca discloses the electronic form is for making a reservation with a transportation service provider ("user information screens displayed on each of the terminal units by the computerized data base ...", C.3, ll. 38-68, C. 4, ll. 1-55 and "Various other display screens may be provided for facilitating transactions between the system users", C. 5, ll. 8-9).

15. With respect to claims 3 and 17:

16. Meunier discloses further comprising authenticating a user ("User authentication", ¶ [0268], "before enabling a new user to actually use a rental vehicle, the system verifies that the information submitted by a particular user is correct and acceptable without or with minimal human intervention", ¶ [0181]) before transmitting the electronic form.

17. With respect to claims 4 and 18:

18. Meunier discloses providing the electronic form comprises transmitting the electronic form for display on a wireless handheld device ("Access control means", ¶ [0096], and "A mobile phone (10), an Internet-enabled mobile phone and any similar or hybrid personal communication device (11)", ¶ [0100]).

19. With respect to claims 5 and 19:

20. Meunier discloses the unique identifier comprises an extension of a phone number ("Registration related process", ¶ [0167] and "users with means to securely, autonomously and electronically register or update their personal information with a vehicle rental service provider, such as address, telephone number", ¶ [0168])

21. With respect to claims 9 and 11:

22. Meunier discloses a system comprising a first computing device adapted to display an electronic form, receive user-entered data for at least one field present in the electronic form, and display a link that, when activated, calls a customer representative and provides a unique identifier associated with the user-entered data that enables a second computing device to retrieve and display the user-entered data based on the unique identifier ("an Internet-enabled mobile phone and any similar or hybrid personal communication device (11), ¶ [0100] and Fig. 2 item 11, **also see the claim 1 rejection** above).

23. With respect to claim 10:

24. Meunier discloses a second computing device adapted to receive the unique identifier, retrieve the user-entered data based on the unique identifier and display the



user-entered data ("a central reservations, management and location system (CRMLS) in communication through a communications network ... performing all reservations and management functions", Abstract and ¶ [0062])

25. With respect to claim 12:

26. Meunier discloses the unique identifier comprises identification of a voice channel so that the voice channel cannot be accessed by a unauthorized person ("Registration related process", ¶ [0167] and "users with means to securely, autonomously and electronically register or update their personal information with a vehicle rental service provider, such as address, telephone number", ¶ [0168]).

27. Therefore it would have been obvious to one of ordinary skill in the art, at the time of invention to have combined the systems of Leiseca and Meunier, to include use of wireless handheld device capable of communicating the identification information for authentication purpose and internet capable to display the forms and accept user input through a key pad, for the purposes of ease of use, customer convenience and user information security, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

28. Claims 2, 7, 15 and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over Leiseca, Meunier and Scherer as described above and further in view of Garbers et al. (US 2004/0073440).

29. With respect to claims 2 and 16:

30. Leiseca, Meunier and Scherer disclose computerized reservation with minimal human intervention using the user called number or the user phone number as unique identifier, but do not explicitly disclose active and prolonged participation of a live customer representative.

31. However, Garbers teaches involvement of a customer service representative called “agent” who performs who performs retrieving, by a computing device associated with the customer representative, the user-entered data based on the unique identifier (“the agent must confirm that the customer has a valid reservation and that the agency has a vehicle of the type identified in the reservation available for assignment to the customer. Once the agent confirms these things, the agent selects an available vehicle (i.e., if more than one vehicle is available for assignment) and assigns the selected vehicle to the customer (e.g., by the input of customer and vehicle information to a computer system) ¶ [0004]).

32. With respect to claim 7:

33. Garbers discloses receiving user-entered data comprises receiving user-entered data corresponding to a pick-up location, a drop-off location, a date service is required, and a time service is required (“The vehicle reservation application 304 collects information related to a reservation from each user, including, but not limited to: the user's identification code (i.e., assigned to a user when the user is provided with a smart key for use with a fleet's vehicles 112); the start day/time of the reservation; the end day/time of the reservation; the desired vehicle pickup location;”, ¶ [0034]).

34. With respect to claim 15:

35. Garbers discloses wherein the instructions are further operable to cause the data processing apparatus to enable the customer service representative to enter additional information not included in the user-entered data to make a reservation to enable dispatching a car and billing the passenger accordingly ("the agent selects an available vehicle (i.e., if more than one vehicle is available for assignment) and assigns the selected vehicle to the customer (e.g., by the input of customer and vehicle information to a computer system). The agent then provides the customer with conventional toothed metal keys unique to the vehicle (i.e., the toothed metal keys work only with one vehicle), information which identifies the current location of the vehicle (e.g., a number assigned to the parking space in which the vehicle was placed by other vehicle rental agency personnel), and instructions directing the customer on how to find the vehicle's location". ¶ [0004])

36. Therefore it would have been obvious to one of ordinary skill in the art, at the time of invention to have combined the systems of Leiseca and Meunier with that of Garbers, to include participation of active and live customer representative to assist the customer in completing the vehicle reservation and use of pickup, drop-off location and date and times, for reservation accuracy, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

37. Claim 8 is rejected under 35 U.S.C. §103(a) as being unpatentable over Leiseca, Meunier and Scherer as described above and further in view of Mashinsky (US 20060059023).

38. With respect to claim 8:

39. Leiseca, Meunier and Scherer disclose computerized reservation of vehicles using the user called number or the user phone number as unique identifier, but do not explicitly disclose a driver.

40. However, Mashinsky teaches a taxi reservation system in which the reservation is associated with reserving a vehicle and a driver (“a taxi-reservation system 100 comprising an exemplary network of a plurality of taxi customers 110, taxi drivers 120 and a central controller 130”, ¶ [0026])

41. Therefore it would have been obvious to one of ordinary skill in the art, at the time of invention to have combined the systems of Leiseca, Meunier and Scherer with that of Mashinsky, to include reservation of a driver if a customer so desires for added comfort of the customer where the customer need not have to drive the vehicle, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

42. Claim 13 is rejected under 35 U.S.C. §103(a) as being unpatentable over Leiseca, Meunier and Scherer as described above and further in view of Official Notice.

43. The Examiner takes Official Notice that it is old and well known in the art that wireless handheld devices (wireless phones or cell phones) are capable of accepting

voice commands to initiate calls for hands free calling as a safety measure for the automobile drivers while driving. Also, refer to PG publication US 2005/0113122 of Korneluk, ¶ [0019].

44. Therefore it would have been obvious to person having ordinary skill in the art, at the time of the invention, to have modified the system of Leiseca, Meunier and Scherer to include a customer using a wireless handheld device as recited in claim 11 as a first computing device as recited in claim 9, that is capable of accepting voice commands from the customer, as was well known to those of ordinary skill in the art, in order to provide an added comfort feature, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

***Response to Arguments***

Regarding 35 U.S.C. § 112 2<sup>nd</sup> Paragraph rejection:

45. Applicants have not responded to the rejection of claim 3 under 35 U.S.C. § 112 2<sup>nd</sup> Paragraph rejection

Applicant's Arguments Regarding 35 U.S.C. § 112 1<sup>st</sup> Paragraph rejection:

46. In view of the amendments made by the Applicants, to the claim 14, the 112 1<sup>st</sup> Paragraph rejections to claim 14 is hereby withdrawn.

Applicant's Arguments regarding claims 1 and 9:

47. Applicants argue that 'no proper combination of Leiseca, Meunier or Scherer discloses or render obvious at least "the link including a unique identifier associated with the user-entered data that enables a customer representative to view the user-entered data" as recited in claims 1 and 9.

48. The Examiner respectfully disagrees.

49. As explained in the rejection of claim 1 in paragraphs 13 (d) – 13 (j), and as noted in Applicants remarks, the combination of Leiseca, Meunier or Scherer teaches a reservation and scheduling system (Leiseca) where user enters data, the customer is provided with a link that automatically establishes a voice communication between the user and a live operator (Meunier) where the caller's number (ANI) and the dialed number (DNIS) being used as unique identifiers of the caller (Scherer).

Applicant's Arguments regarding claim 13:

50. Applicants argue that 'no proper combination of Leiseca, Meunier, Scherer and the Examiner's official notice do not disclose or render obvious the subject matter of claim 9...'

51. The Examiner respectfully disagrees.

52. Claim 9 is properly rejected and the official notice is regarding claim 13 with respect to voice activated commands, for which the Examiner has provided PG publication US 2005/0113122 of Korneluk, as an example in support of official notice.

***Conclusion***

53. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

54. Applicants are respectfully reminded that any suggestions or examples of claim language provided by the Examiner are just that—suggestions or examples—and do not constitute a formal requirement mandated by the Examiner. To be especially clear, any suggestion or example provided in this Office Action (or in any future office action) does not constitute a formal requirement mandated by the Examiner.

j. Should Applicants decide to amend the claims, Applicants are also reminded that—like always—no new matter is allowed. The Examiner therefore leaves it up to Applicants to choose the precise claim language of the

amendment in order to ensure that the amended language complies with 35 U.S.C. § 112 1st paragraph.

k. Independent of the requirements under 35 U.S.C. § 112 1st paragraph, Applicants are also respectfully reminded that when amending a particular claim, all claim terms must have clear support or antecedent basis in the specification. See 37 C.F.R. § 1.75(d)(1) and MPEP § 608.01(o). Should Applicants amend the claims such that the claim language no longer has clear support or antecedent basis in the specification, an objection to the specification may result. Therefore, in these rare situations where the amended claim language does not have clear support or antecedent basis in the specification and to prevent a subsequent 'Objection to the Specification' in the next office action, Applicants are encouraged to either (1) re-evaluate the amendment and change the claim language so the claims do have clear support or antecedent basis or, (2) amend the specification to ensure that the claim language does have clear support or antecedent basis. See again MPEP § 608.01(o) (¶3). Should Applicants choose to amend the specification, Applicants are reminded that—like always—no new matter in the specification is allowed. See 35 U.S.C. § 132(a). If Applicants have any questions on this matter, Applicants are encouraged to contact the Examiner via the telephone number listed below.

55. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to MURALI DEGA whose telephone number is (571)270-



5394. The Examiner can normally be reached on Monday to Thursday 7.00AM to 5.30 PM.

56. If attempts to reach the Examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Fischer can be reached on 571-272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

57. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Murali K. Dega/  
Art Unit 3621  
December 09, 2010

/EVENS J. AUGUSTIN/

Primary Examiner, Art Unit 3621

Application/Control Number: 10/811,263  
Art Unit: 3621

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